

# ICPS newsletter®

## Ukraine's security sector: No reforms without clear understanding

***National security is one of the top priorities facing the Ukraine's leadership and its solution often influences further social development. Energy problems, the country's ideological split, and the lack of money to modernize the Army—these issues are often raised by the government and the media alike. However, the debate rarely goes beyond the statement of facts. So far, Ukrainian society has engaged in little serious dialog on security and the meaning of “threats”***

At the base of any plans providing for reforming or modernizing the security sector lies the analysis of internal and external security threats to the country and its citizens. If there is no clear vision of what threats the country must defend itself against, it is impossible to guarantee that existing security institutions are structured in the best way to counteract these threats.

As part of the “Public Awareness Campaign on Security and Defense Policy” project, the International Centre for Policy Studies prepared a study called “Taking Stock: Analysis of the Ukrainian security policy at the end of 2006.” This document is an attempt to evaluate the situation in Ukraine's security sector today. The main goal of this study is to focus discussion on issues that are not normally subject to public debate. What are the biggest threats to Ukraine's security and how can the country best deal with them? Why is reform being delayed in the security sector? What kinds of reforms are needed to make Ukraine's security sector more effective?

### Internal and external security threats

Recognizing the main threats to the country's national security is key to implementing a well thought-out defense policy. While foreign political risk factors play their role in the debate around international issues and determine Ukraine's opportunities for membership in international alliances, internal risk factors can significantly affect the success of reforms, including defense reform, and the effectiveness of implementing defense policy as a whole.

Among foreign political risk factors, the top issues are:

- foreign threats to domestic energy security;

- worsening regional trends leading to the escalation of conflicts close to Ukraine's borders (Transnistria);
- international threats, including crossborder crime, terrorism, WMD proliferation, and illegal migration.

Priority internal risk factors are:

- corruption in government bodies, including in law enforcement bodies and their links to the underworld on Ukrainian territory, the absence of an effective judicial system, and a generally ineffective and outdated law enforcement system;
- an ideological split among Ukrainian voters, with the main role played by diverging human values that are a potential source of conflict between West and East.
- failure to identify Ukraine's place in various systems of collective security; an Armed Forces whose equipment, machinery and weapons are completely outdated, effectively reducing the options for using them and the Army's battle readiness in periods of conflict.

### The concept of security is changing around the world

After the end of the Cold War, there were significant changes in the understanding of security and defense. Instead of a confrontation between two superpowers, the world saw an increase in transnational threats, such as terrorism, organized crime and environmental disasters. This has stimulated changes to how the entire concept of security is perceived internationally, with a shift from a state-centric focus on national security or state security towards a doctrine of “human security,” which places more emphasis on people.

ICPS specialists say that this is the security context in which Ukraine must restructure and reform its security sector. There is much that Ukraine can learn and share with other countries that have tried or are trying to reform their security sectors to meet modern demands. This refers to a body of policy and practice known as “security sector reform” (SSR) that has been developed by international security policy-makers and academics.

Analysts distinguish four main areas of reform in the security sector:

- Strengthening democratic control over security institutions by both the state and civil society, including better policy development and implementation and better management of spending;
- Professionalizing security forces;
- Demilitarizing and peace-building, particularly in post-conflict situations;
- Strengthening rule of law.

### Security reform in Ukraine: Why it has failed

Ukraine's security sector faces many problems: ineffective operation, lack of professionalism, lack of inter-agency coordination, little respect for the law, inconsistent standards of democratic governance, and a post-authoritarian context where security institutions frequently identify their roles based on their own interests rather than the interests of the country's citizens. These are all serious problems, and Ukraine's governments have repeatedly stated their intention to deal with these issues. However, reforms remain at the incipient stage, far from the ideal of coordinated security sector reform. There are a number of reasons for this:

**1. No clear understanding of key security threats.** Ukraine has yet to come up with an adequate analysis of the major threats to its security or to prioritize these threats appropriately. Without a clear concept of the main security threats, it is impossible to consider whether the security sector is countering these threats in the most

effective way, let alone to design a coherent reform package for the purpose of strengthening the sector's capacity to respond to such threats. Thus, until a genuine attempt is made to develop a National Security Concept that is truly strategic, it will be impossible to develop coherent SSR policy.

**2. No inter-agency cooperation.** The need for inter-agency co-operation is not appreciated enough within much of the Ukrainian government, and even where it is, the mechanisms to enable such co-operation remain ineffective. There is still a strong tendency for each ministry and agency to see their role in isolation and to not consider how their work affects or is affected by other ministries. Information-sharing among agencies is often very poor. Furthermore, confusion in responsibilities and powers means that, rather than working together, ministries see themselves as in direct competition with each other.

**3. No political will.** Little attempt has been made to get the entire range of security sector players to work together. This is a signal that security sector reform has not generally been backed by sufficient political will. Although the goal of reform is regularly name-checked by politicians of all stripes, in practice they have not demonstrated the political engagement and leadership needed to push the process forward.

## Democratic governance in Ukraine's security sector

Strengthening democratic oversight of security institutions is crucial to the success or failure of security sector reform. The experience of Western governments suggests

that high levels of democratic control are not just good for democracy, but also for the security institutions themselves. The separation of civilian oversight and administrative management from operational matters allows security services to concentrate on their strengths.

Democratic control over the security sector is a regular topic of discussion in political circles and all of Ukraine's Governments in the last decade have committed themselves to further improving the level of democratic control. In recent years, activity in this area has been livelier, as a number of events confirm:

- The adoption of the Law on democratic civilian control over military organization and law-enforcement agencies;
- The ratio of civilian to military personnel in the Defense Ministry (MOD) is now 76:24;
- The MOD has published its first White Paper on defense and made a commitment to updating the paper every year;
- MOD has released a public report on its activities which is available on the internet;
- Many security institutions have set up offices open to the public and have established community councils to ensure ongoing contact with NGOs;
- Together with NATO, there is a Joint Working Group on a defense reform program for the Professional Development of civilian personnel;

Despite these positive changes, Ukraine's security sector remains in the early phases of transforming its security culture. The belief

that information must be kept secret is still there, whereas a democratic approach requires that information be disclosed, except for situations where there are clear reasons not to do so, for the sake of national security. The security sector is an area where the public must be involved. Voters must influence the policies developed and implemented in this sector. One way or another, it will be difficult for the public to play any role or even to clearly formulate its opinion on these matters, if ordinary Ukrainians do not have access to the relevant information.

Although formal changes to organizational and staffing structures to boost civilian control are necessary, they cannot in themselves ensure that the quality of democratic oversight improves, since this depends on the capacity of these institutions and the skills of those that run them. Building up competent civilian personnel and strengthening democratic oversight procedures is a long-term process that Ukraine has only recently begun. ■

*The paper called "Taking Stock: Analysis of the Ukrainian Security Policy at the End of 2006" was prepared by experts from the International Centre for Policy Studies (ICPS), as part of the "Public Awareness Campaign on Security and Defense Policy" project implemented by ICPS with the support of the Royal Embassy of the Netherlands in Ukraine and the NATO Information and Documentation Center in Kyiv.*

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## New Law on Cabinet: "Might makes right" in Ukraine now

The approved version of the Law "On the Cabinet of Ministers of Ukraine" is unlikely to reduce tensions in relations between the Government and the President, says International Centre for Policy Studies political analyst Ivan Presniakov. Instead, the rules by which the President and Government will compete have become even more controversial. The Secretariat of the President has stated that the text of the Law as passed violates the current Constitution in 11 provisions and the President intends to appeal to the Constitutional Court with a demand that the Law or individual provisions in it be declared unconstitutional.

Until the Constitutional Court hands down the necessary ruling—which could take some time, given the Court's current overload—the President, on one side, and the coalition and Government on the other, will be governed by mutually exclusive legal norms. The Cabinet of Ministers will follow the Law just passed, while the President will follow his understanding of the Constitution, which is the highest direct Law of the land.

This will have negative consequences for the functionality of the entire political system in Ukraine. Whereas, earlier, the main centers of power freely interpreted gaps in the Constitution to their own benefit, the passing of the Law on the Cabinet of

Ministers raises the question whether there are really any generally accepted, legitimate rules of the game based on which the main institutions of power can interact.

According to the ICPS analyst, the competition between President and Government could well go beyond the legal pale. If this happens, "might makes right" will be the rule of the day. The Government will ignore Presidential orders that counter the Law on the Cabinet, while the President will ignore Cabinet resolutions that counter his understanding of the Constitution. In practice, decisions will be implemented in those instances where the decision-maker has direct power over those who must carry out the decision. Different interpretations of the way that candidates for Minister of Foreign Affairs are nominated or deputy heads of local administrations and deputy ministers are appointed, different interpretations of how Ministers countersign legal acts of the President and of the role of the National Security Council could make the work of the government much more difficult and even block it altogether.

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**icps newsletter** is a weekly publication of the International Centre for Policy Studies, delivered by electronic mail.

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